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641 suffrage. In 1907 the suffrage had been extended for State
642 elections so that all males over twenty-four years of age had an active vote, and all males over twenty-nine had a passive one. These age limits were now reduced to twenty and twenty-four years respectively; and the right to vote was extended to women.

Whereas in pre-war days no attempt had been made to regulate the suffrage in those Provinces where the old curial system, abolished for Reichstag elections in 1907, had persisted up to the war, it was now expressly laid down that the right to vote in provincial elections might never be more restricted than it was for elections to the National Council.¹ This provision is another example of a striking incursion on provincial rights in the interests of democracy.

By Article 26, (5), it was laid down that the right to elect to the National Council could only be suspended by judicial decree,² and that it was intended that this right should only be withdrawn for reasons of the utmost gravity is suggested by Article 142, (3), which decrees that even in the case of an adverse judgement by the Constitutional Court in a case of impeachment of an official, a temporary loss of political rights should only follow if the case were one of particularly grave circumstances. And by Article 149, (2), Article 20 of the Fundamental Law of 21 December 1867 and the Law of 5 May 1869, dealing with temporary suspension of these rights, were both expressly repealed.

641 It was felt, however, that the establishment and safeguarding
642 of universal suffrage was not in itself sufficient to ensure the triumph of the democratic principle. Before the war, for instance, although a comparatively wide, direct and secret suffrage had been in force, the equality of the suffrage had

¹ Vide Article 95, (2).

² By this Article, the arrangement by which women under the surveillance of the police were deprived of the right to vote (Law of 18 December 1918, 139) was abrogated. Verdier suggests that Dr. Kelsen felt that no one should be subjected to the loss of so fundamental a right, 'par une simple décision administrative qui risque souvent, et en particulier lorsqu'elle est prise par la police, d'être arbitraire'. (Verdier, *La Constitution fédérale de la République d'Autriche*, Paris, 1924, p. 115.)

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been to a large extent illusory, because of the inequality in apportionment of mandates to the constituencies, which differed greatly in size. The introduction of proportional representation had to some extent removed these inequalities. And by a Law of 18 December 1918 mandates were redistributed over the constituencies. The new allocation was calculated on the basis of the census published in 1910. But Verdier points out that the constituencies still received mandates only in rough approximation to the number of their inhabitants.¹ And Kelsen himself admits that the weight of the individual vote varied not a little in the different constituencies.² However, it was considered useless to reapportion mandates until the boundaries of the State had been finally settled by the Treaty of St. Germain.³ Meantime, the inequality of the existing arrangement had been increased by subsequent movements of population. However, by Article 26, (2), of the 1920 constitution, the principle of the apportionment of mandates to the constituencies on a basis strictly proportional to their populations was established. And the Electoral Law of 11 July 1923 laid down the method to be used for ascertaining the correct apportionment.⁴

It was felt by many, however, that the division of the electorate into constituencies in itself constituted a violation of the democratic principle, in that such a division resulted in a curtailment of the freedom of members, who then tended to act as the delegates of their constituents rather than as free representatives of the whole people. Renner, in particular, emphasized the dangers of this system. He feared that the politics of the State might come to turn upon local issues, while what should have been the essential questions, the different views of the various parties, would fade into the

¹ Verdier calculates that in Salzburg 18,116 persons were represented by one deputy, while in south-west Vienna 28,332 persons had only one deputy (*ibid.*, p. 116).

² *Die Verfassungsgesetze der Republik Österreich*, vol. ii, p. 7.

³ Verdier, *op. cit.*, pp. 116-17

⁴ It is probable that the inequalities of the previous system were somewhat exaggerated, as when fresh elections were held on 21 October 1923, in accordance with the new census of March and the Electoral Law of July, only slight alterations were found to be necessary.

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641 background.¹ He further pointed out that such a state of
 • 666 affairs would tend to produce a deadlock in the National
 642 Council, for as members would be bound by the local views of
 their constituents, they would be unable to negotiate the
 necessary compromises with their colleagues. Moreover, the
 candidate prepared to offer the most bribes to his constituents
 was likely to be elected.²

666 It is clearly undeniable that the division of a country into
 642 constituencies must, in so far as it has any political consequence
 at all, tend to tip the balance of a constitution in favour of
 direct democracy, by encouraging control of particular mem-
 bers by particular territorial groups. It is, therefore, not
 surprising that the constituency system met with opposition,
 particularly from the Social Democrats, for the tendency of
 left-wing political theorists at that time was to revert to the
 nineteenth-century idea of the omnipotence of Parliament and
 its freedom from the electorate once it had been elected.

The constitution of 1920, in this, as in so many other
 instances, represented a compromise. By Article 56, for
 instance, it was expressly laid down that members of the
 National Council and the Federal Council should not be bound
 by instructions. But the constituency system was maintained.
 On the other hand, the closed list system was introduced, thus
 lessening the direct connection between members and their
 constituents.³ And for the majority system there was substi-

¹ Speech by Renner in the Provisional National Assembly on the occasion
 of the introduction of the Electoral Law of 18 December 1918. 'Die
 Wahlkreiseinteilung gab der Landverteilung ein imperatives Mandat, w.
 stellte sie unter die Peitsche einer rücksichtslosen Agitation, die ihnen jede
 Freiheit der Entschliessung nahm . . . Dass wir bisher nicht jene grossen
 Parteiformationen nach allgemeinen Weltanschauungen herausbilden konnten
 wie in anderen Ländern, geht zum guten Teil auf diese mechanische Spal-
 tung der Wählerschaft zurück.' (Quoted by Kelsen, op. cit., vol. ii, p. 43.)

² In fact, however, Renner's fears proved to be groundless. The difficulty
 lay rather in the fact that the connection between electors and their repre-
 sentatives was so remote that the former could not exercise any control at all.

³ In point of fact, the closed list system, in that it inevitably tended to
 make members dependent on their party caucuses, was just as liable to lead
 to a diminution in the authority of Parliament through the subordination
 of its members to extra-parliamentary groups, as was the constituency
 system.

This device was criticized as unsatisfactory by Adamovich (*Grundriss des
 österreichischen Staatsrechts*, Vienna, 1927, p. 136). In May 1927 a minis-

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tuted a far-reaching system of proportional representation which, by its provision for combinations of minorities in the various constituencies, meant that a given proportion of members of the National Council was not responsible to particular territorial groups. It was hoped that by this means the advantages of the constituency system could be maintained without what was felt to be its disadvantage—unrepresented minorities in all the constituencies. 666 ● 642

The Austrian constitution of 1920 was riddled with provisions for the representation of minorities. No man should, it was felt, be faced with the alternative of voting for parties with whose policy he was not in complete agreement or of wasting his vote. But in fact this attempt to obviate the necessity for compromise, which is the kernel of the theory of proportional representation, cannot solve the problem, as was shown only too clearly by the later course of events in Austria. The need for compromise in a positive State composed of divergent elements cannot be evaded. The advocates of proportional representation merely shift the responsibility for the compromise from the elector to his representative. For, in a Parliament or any other body fully representative of public opinion (which will be, as a rule, a body composed of small groups), bargaining among the parties must always be necessary before a governmental majority can be formed at all. It may well be argued that the majority system, which leaves the business of compromising to the elector himself, is the more democratic of the two methods.

However, the principle of proportional representation came to be regarded at that time by almost all Austrians as the safeguard *par excellence* for democratic government.¹ Thus,

terial declaration incorporated a scheme to give the voter more control over the nomination of candidates. The idea was again discussed at the time of the 1929 reforms, and was brought up whenever the question of a possible reform of Parliament arose.

¹ Speech by Renner in the Provisional National Assembly, on 18 December 1918 (Kelsen, op. cit., vol. ii, p. 45). The Austrian system may be compared with the automatic quota system of the German constitution. The German method has the advantage of simplicity. It also provides a stimulus to vote, since for every additional 60,000 votes a further mandate is allotted.

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666 although in the Electoral Law of 18 December 1918 no
642 provisions were made for the combination of minorities in the various constituencies—provision having been made, on the contrary, for amalgamations of parties¹—the Law of July 1920 provided that fifteen mandates should be apportioned to those parties which had unused votes in the various constituencies. No party could, however, obtain more mandates on the second count than it had already obtained on the first.²

The principle of proportional representation was, however, by no means restricted in its application to the apportionment of mandates and elections to the National Council. A modified system of proportional representation was, for instance, laid down for elections to the Federal Council.³ And by Article 55 it was decreed that elections to the Chief Committee, the most important organ of the National Council, were to be on a proportional representation basis. Article 95 decreed that members of the Provincial Councils should be elected on a proportional representation basis. Article 119, (2), decreed that proportional representation should be used for elections to municipal councils. Article 119, (4), went so far as to arrange

¹ St. G. Bl. Nr. 115, Article 33. But Kelsen points out that 'Diese Einrichtung hatte schon bei der Beratung der Wahlordnung zur konstituierenden Nationalversammlung viele entschiedene Gegner gefunden u. haben nunmehr alle grossen Parteien dagegen Stellung genommen' (Kelsen, *op. cit.*, vol. iv, p. 134.)

² This restriction was largely abrogated by the Electoral Law of 11 July 1923, in which it was laid down that a party might obtain any number of seats on the second count provided that it had obtained at least one on the first. This Law, however, established four big constituencies for the second count—another instance of the tendency of Austrian constitutionalists to give with one hand while taking away with the other.

That the objections raised to the 1920 arrangement were not merely theoretical is shown by the election results of 1923 and 1930. On both these occasions the German Nationalists gained more seats by the second count than they had already obtained on the first. In 1923 they gained three by the first and seven by the second; in 1930 two by the first and five by the second. (Zurcher, A. J., *The Experiment with Democracy in Central Europe*, Oxford University Press, 1933, p. 82. He quotes figures taken from the *Statistisches Handbuch für die Republik Österreich*, 1923 and 1930.)

³ The modifications introduced by Article 34, (3), and Article 35, (1), were occasioned in the one case in deference to Christian Socialist federalist views, and in the other by the fear of the Social Democrats that they would remain unrepresented in the more predominantly conservative of the Provinces. Cf. with Weimar Constitution, Article 61.

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that if municipal councils chose to elect special administrative committees, such committees must be elected on a proportional representation basis.¹ 666 642

Direct government by the people was provided for in the Austrian constitution.² It was not, however, intended that frequent use should be made of these provisions. Article 24, for instance, enumerating the various legislative organs of the State, makes no mention of direct legislation by the Initiative and the Referendum. Article 41, (2), provides that every proposal signed by two hundred thousand qualified voters, or by half of the qualified voters in each of three Provinces, must be submitted by the Federal Government to the National Council. It may be observed, however, that the quorum of petitioners is, relatively speaking, a very high one.³ And it was unlikely that the second of the two conditions would ever be fulfilled, in view of the fact that co-operation between the various Provinces was, as in pre-war days, discouraged.⁴ 646 642

The Referendum could only be set in motion by the National Council itself.⁵

Only in the case foreseen in Article 44, (2) (a complete revision of the constitution), was a Referendum compulsory; and even in this case the effect of the article seems problematical, since no definition of "complete revision" is provided.

Of the Provinces, only Salzburg, Tyrol, and Vorarlberg included provisions for direct democracy in their constitutions.

¹ Verdier, op. cit., p. 189. It may be noted also that when, in accordance with the Geneva Protocol of 4 October 1922, it became necessary to set up a Council of State endowed with special powers, the third protocol, dealing with this, set up a body composed of the Government and twenty-six councillors who were to be elected on a proportional representation basis.

² The provisions were, however, somewhat half-hearted. Most of the Social Democrats did not approve of proportional representation, fearing that it might undermine the supremacy of Parliament. The Christian Socialists, who had at first supported it warmly because of their control over the Provinces, became doubtful in proportion as the question of the proposed administrative reform, which they felt would weaken their hold on the Provinces, became actual.

³ In Switzerland, for instance, only thirty thousand votes are needed. Swiss Constitution, Article 89.

⁴ Cf. Law of 1860 with Article 107, 1920.

⁵ Article 43.

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Other developments, however, combined to play into the hands of the extreme elements on both sides. Economic conditions, for instance, contributed towards the growth of revolutionary tendencies, and the desire for desperate remedies, among the working classes; while among the propertied classes, increases in taxation, especially those imposed by the Vienna Socialist municipality, sharpened aristocratic yearnings for a return to pre-war conditions. 665
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The control exercised by foreign Powers over Austrian economic and foreign policy also served to bring the whole system of parliamentary democracy into disrepute. This form of government was, as has been pointed out, in any case regarded by the extreme groups on both sides as a temporary expedient, and such an attitude grew more and more prevalent when it became apparent that parliamentary democracy was nothing more than a façade behind which Austria's foreign creditors worked their will. Again, economic conditions sharpened the already existing antagonism between the Provinces and Vienna. And, because economic necessity made imperative a modification of the federal structure of Austria, the hostility of the conservative peasants and land-owning classes forced into closer relationship with Vienna found partial expression in movements like the *Heimwehr*. The history of Austria from 1927 till 1934 is the story of force feeding upon force. Both antagonists armed because their rivals did so, although the moderates on both sides were willing to disarm if the other party would do so first. F157

The turning-point came with the splitting-up of the *Bürgerblock* in the 1930 elections, for with the defection of the Schober group the main body of the party was compelled to turn to extreme right-wing elements for support in its struggle against the Social Democrats. The anti-socialist front tended to split up more and more as time went on, for, after the failure of the attempted *Anschluss* in 1931, the German Nationalists began to drift right away into the Nazi camp, leaving their erstwhile allies with no alternative to the *Heimwehr*. Thus the divisions in Christian Socialist ranks, though they gave temporary encouragement to the Social Democrats, were in reality 665
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the beginning of the end, for reliance on the *Heimwehr* led almost inevitably to the crushing of the Social Democrats in 1934.¹

The victory of the extremists was also in part a consequence of the tendency of both sides towards what may be described as party totalitarianism. This was especially the case on the Social Democrat side, for the tendency of the *Bürgerblock* to split up into small groups prevented this principle from working out so fully in their case. The Social Democrats, however, had from the beginning laid particular emphasis on the need for presenting a united front to the outside world, and had, indeed, been conspicuously successful in doing so.² They tried, with this end in view, to prevent the members of the party from coming into contact with people of other opinions who might influence them and draw them away from the Party orbit.³ They therefore laboured to build up Social Democrat societies which would cover all a member's activities from the cradle to the grave. His intellectual and physical needs were all catered for within the party. The party provided him with his flat; built kindergartens for his children, organized sport clubs, literary clubs, political clubs, and social clubs for himself and his wife; took charge of his economic life, negotiating on his behalf with his bourgeois employers; and even provided burial clubs for his death. The organization of the Social

¹ It is interesting to note that Renner had drawn the attention of the party to this danger as early as 1929. He had urged that the Social Democrats should not make things too difficult for their opponents. 'Wir müssen mit unserem Bürgertum manchmal Geduld haben, auch in der Heimwehrsache.' (Speech at the 1924 Party Conference.) In 1930 he again drew attention, at the Party Conference, to this danger; although Seitz, on this occasion, spoke cheerfully of the approaching triumph of the Social Democrats.

² *Arbeiter Zeitung*, 9 January 1919. 'Es ist für das Proletariat weniger gefährlich, wenn es vorübergehend einen falschen Weg, aber diesen Weg einzig u. geschlossen geht, als wenn es sich im Streit um den richtigen Weg spaltet. . . . Hundertmal lieber einen falschen Weg einzig gehen—denn Fehler kann man dann wieder korrigieren—als um des rechten Weges willen, uns spalten.' (Bauer, at Party Conference, 1927.)

³ It was even laid down, at the Linz Conference in 1926, that no member of the party could, without permission, carry on work which meant his appearance in public life with people who were members of other parties.

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727 tions should affect the validity of any Military Government
648 legislation then in force or afterwards enacted. The Allied
642 Commission also proceeded with the task of examining, and
where possible approving, the laws and decrees issued by the
Provisional Government since the 1st of May.

The formation of the Provisional Government in April had been Dr. Renner's first great service to Austria since his return to active politics. The Allied recognition of his Government marked the second stage of his achievement and was of incalculable importance to the future of the country. Without it the danger still remained that Austria might suffer lasting division and the fate of Germany. It is not surprising, therefore, that the British officer who went to fetch the Chancellor to the Allied Council meeting on the 1st of October noticed an unaccustomed nervousness on the part of this experienced, sophisticated, but deeply patriotic statesman.

666 The main task that faced the Provisional Government, after it had been recognized, was the organization of elections. An electoral law, after amendment by the second Provisional Conference, had been passed by the Government on the 19th of October and approved by the Allied Council on the 30th. It was based on the electoral law of the First Republic, modified to disfranchise Nazis and candidates for the Nazi Party, unless they could prove they had suffered political persecution under the Nazi régime. On the 27th of October the Government, in the name of all three political parties, issued an appeal to the Austrian people, calling on them in the traditional manner, as befitted a civilized and freedom-loving people, to cast their votes for one of the three democratic parties.

On the 25th of November the elections were held. They passed off in a most orderly manner, 93 per cent of the electors casting valid votes. It was generally agreed that the Austrian people were able to vote freely in accordance with their political opinions. By the end of the month no charges of fraud nor complaints from either parties or individuals had been lodged regarding the election. In view of the nature of some of the elections that took place in Central and Eastern

666 Europe after the War, the fairness of the Austrian elections has caused some surprise, but this is largely due to a misunderstanding of Austrian conditions at the time.

In the first place, the influence of the Western Allies was exerted wholeheartedly in favour of freedom and impartiality, and, supported by them, the Austrian Government made sensible and efficient arrangements, including precautions against possible malpractice. A special commission was set up to supervise the elections, comprising two members of the People's Party, two Socialists, and one Communist, with Dr. Sommer, a Right-Wing Under-Secretary in the Ministry of the Interior, as Chairman. Polling day was fixed for November, before mountainous districts were likely to be snowed up, and the procedure was simplified so that ballot boxes, as far as possible, could be collected for counting before dark. Free expression of opinion during the campaign was possible through the newspapers of the three main political parties that had been started early in August.

Secondly, the Russians and the Austrian Communists co-operated to carry through the elections with reasonable fairness and had little temptation to do otherwise. There is every indication that the Austrian Communists were more optimistic than the outcome warranted and that the Russians were confident of a fairly favourable result from the Communist point of view. Some were convinced they would obtain 40 per cent of the votes. For several months before the elections senior Russian officers invited the leaders of the People's Party and the Socialists separately to meet them at the Imperial Hotel, when, amongst other matters, the election prospects were discussed. On one occasion the People's Party representatives pointed out that the Communists had the advantage of motor fuel from Russian sources; whereupon they were asked to name their party's needs and obtained an allocation of two tons the next day.

666 The elections resulted in the People's Party obtaining
665 1,598,444 votes and 85 seats, the Socialists 1,428,441 votes and 76 seats, and the Communists 174,387 votes and 4 seats. This

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was a striking proof of the persistence of party loyalties in Austria, in spite of all that had happened during the previous twenty-five years. Both in 1919 and 1930 the Right Wing had obtained the most votes and the Socialists had followed quite closely behind. In 1930 the Socialists had obtained just over 41 per cent of the votes, and the Communists, without the moral support of a strong occupying Power, less than 1 per cent.

For the victory of the Austrian People's Party there were three main reasons. The great majority of peasants were conservative; the party appealed to the country's growing patriotic sentiment, in contrast to the Socialist tendency towards Marxist internationalism, and the majority sympathized with Dollfuss and Schuschnigg in their insoluble dilemma and did not look upon them as Fascist betrayers of democracy.

On the other hand, the Social Democrats had as much reason to be satisfied with the result of an election, in which they had appreciably increased their proportionate strength. Their improved position was due to their strong party discipline and loyalty, the lasting value of their social achievement, and the fact that their party had never compromised in its opposition to Fascists and Nazis.

The Communist failure was of great significance. The Russians themselves were bitterly disappointed and offended by the election result and have never quite forgiven the Austrian Communists either for their failure or for their mistaken estimate of the position. But the Russians had only themselves to blame. There is no doubt that the Austrian workers, after their experiences under Dollfuss in 1934 and during seven years of Nazi domination, were ready for a complete change and genuinely welcomed the Russians as liberators. But the harsh and arbitrary record of the Red Army, the looting and bestial behaviour of some of the Russian troops, especially towards women, completely changed their attitude. If such things were the result of the Communist experiment, it was an experiment the Austrian people had no wish to make. Dr. Renner once remarked that Stalin had made only two mistakes: he had shown Central Europe

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'coalition' and a 'concentration of democratic forces' that applied to every level and category in the life of the State.

As the Austrian Coalition has survived for so long, it is important to understand its nature. It differs considerably from coalitions to which other democratic countries are accustomed, and the difference results from the special characteristics of the Austrian party system and the Austrian form of democracy.

In France the numerous political parties are distinguished from one another in some cases by almost imperceptible shades of political opinion. In the United States the two great political parties could simultaneously hope to win Eisenhower as their leader; while in Britain moderate leaders from opposite sides, like Baldwin and MacDonald, Eden and Bevin, can follow each other with little noticeable break in continuity. But the record of the Austrian Republic has, on the whole, been very different, though the contrast is in process of modification. On the one side are the Socialists, with their radical idealism, their materialism, and their admiration for the Marxian analysis; on the other side, the Right Wing, with its Catholicism, its respect for tradition, and its varying forms of nostalgia for the past. They differ from each other not only in temperament and in their views on the speed and method of political advance but, in many cases, in their whole attitude towards life and its purpose and towards the nature of society and the State. This fundamental contrast in *Weltanschauung*, or philosophy of life, has been one of the main reasons for the stability of party loyalties in Austria through the years. People are much less likely to change their allegiance if religious conviction and deep-rooted social attitude are involved, than if the alteration merely concerns the method of approach to a broadly similar ideal.

The contrast is sustained, and tends to be increased, by the dominance and rigidity of the party organizations in Austrian politics. Voting is according to the system of proportional representation and the party list, the whole country being divided into no more than twenty-five electoral districts or

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[666] constituencies. The elector does not vote for the man of his choice but for a list of candidates selected by the leaders of his party. There is therefore no personal contact between the member of parliament and his constituents, and even the politically minded citizen usually does not know the names of the members who represent him. Once in Parliament the member feels himself to be less a representative of the electorate than an official of his party, and the discipline of the party parliamentary club is strong. The club determines how he shall vote and sometimes how he shall speak. The opportunity for the individual to influence the democratic process outside the club is small, and the occasions are very rare when a parliamentary debate develops along lines unforeseen and unplanned by the party organizers.

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664 The impersonal nature of the legislative procedure is increased by the rule requiring certain draft laws to be referred, before submission to Parliament, to Chambers representing sectional interests of the community, such as the Chamber of Agriculture and the Chamber of Workers and Employees, in which party interests are often strong. In the case of Bills wholeheartedly approved by the interests concerned, the subsequent parliamentary proceedings tend to lose in significance.

665 The large part played by the party machines in the whole process of government accentuates political antagonism. Individuals have a greater capacity for compromise than organizations, and under the Austrian system the scope given to the human element is reduced to a minimum.

This state of affairs contributed much to the intensity and bitterness of the political conflict between the Wars. The opposing parties, with their utterly different ideologies, were so taken up with the trial of strength between them that they mistook the means for the end. They forgot that the true purpose of the democratic process is to find something out and, having come as near as possible to discovering the best course, to act upon it. Such qualities as humour, good nature, friendliness, and a capacity to live and let live make Austrians natural democrats. Yet these very qualities were squeezed

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Probably the most important result was to make possible greater freedom of expression during Cabinet meetings.

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The life of an Austrian Parliament is limited by the constitution to four years. Elections were therefore due to be held not later than November 1949 and actually took place on October the 9th 1949. There were two main differences between the political situation then and in 1945. First, the number of electors had increased by over 940,000. Of these more than 400,000 were 'less implicated' Nazis, to whom the franchise had been restored the previous summer, and the remainder were either returned soldiers or persons who had acquired Austrian citizenship since 1945. Secondly, a number of new parties had entered the scene. Of these only two, the Union of Independents and the Democratic Union, succeeded in polling more than 10,000 votes, but a new fluidity and vitality in political life were indicated by the fact that at one stage during the year over forty new parties had announced their existence.

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In the elections 97 per cent of the qualified voters went to the polls, compared with 94 per cent in 1945. The People's Party increased its votes by 244,354, the Socialists by 188,626, and the Communists, reinforced with some extreme Left-Wing Socialists, by 35,809. The Union of Independents obtained 489,273 votes and the Democratic Union 12,059. As regards seats, the People's Party got 77, the Socialists 67, the Union of Independents 16, and the so-called Left Block 5.

The election was significant for two reasons. It justified the Coalition Government by showing that it substantially represented the people's view. At the same time it made clear that there were about half a million people who were dissatisfied with the programme of the two main parties and the Communists. They were likely to prove an important political force in the future.

On the 31st of December 1950, Dr. Renner died, only a few days after the celebration of his eightieth birthday. His greatest achievement for post-War Austria had been as Chancellor in the Provisional Government. But while Federal President during the next five years he had been a wise and stabilizing

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643 influence in Austrian political life and had won general respect as a dignified, impartial, and yet forceful head of the State. The tribute paid to him by the Chancellor the day after his death was of special value, coming from one whose political views differed widely from his own. During the five years of his presidency, said Figl, he was 'a teacher and friend, who stood above political parties, a man to whom one never went in vain for advice'.

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666 In January 1951 Parliament decided unanimously that the new Federal President should be elected by the people of Austria, as laid down in the constitution of 1929, and not in accordance with the special procedure adopted in 1931 and 1945, when the election was carried out in a joint session of the two legislative chambers. The two main parties chose their candidates well. The People's Party's choice was Dr. Heinrich Gleissner, the much-respected Governor of Upper Austria, and the Socialists', General Körner, the popular and venerable mayor of Vienna. The worst criticism that could be made against each candidate was of comparatively minor importance. Gleissner had been a junior member of Dollfuss's Government. Körner was seventy-eight years old and had only accepted candidature reluctantly out of a sense of duty.

A presidential candidate requires a clear majority of votes to be elected. If in an election no candidate has the required majority, a further contest is held between the two candidates with the most votes.

For the first election, which was held on the 6th of May, the Communists put forward Gottlieb Fiala as a candidate, and Dr. Burkhard Breitner stood as a non-party independent. Breitner was a popular, somewhat eccentric Innsbruck surgeon with no real political experience and no serious claims to potential statesmanship. Gleissner obtained 1,725,695 votes, Körner 1,682,768, Breitner 662,559, and Fiala 220,012.

In the second election, on the 27th of May, Körner was elected President with 2,172,106 votes against Gleissner's 2,004,290, having evidently secured the Communist votes

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and a greater measure of independent support than was generally expected.

During the first campaign efforts were made with some success to keep the party aspect of the contest under control. But the second, through no fault of the two candidates, involved a good deal of party bitterness and personal animosity. Fortunately this lapse from the best post-War political standards was made good by the example of the new President and his chivalrous defeated rival. When the election result was announced, Gleissner at once telegraphed his congratulations and good wishes to Körner. President Körner himself responded soon after his election by visiting Linz, the capital of Upper Austria. At the official ceremony of welcome he announced that he had shown his personal esteem for Dr. Gleissner by addressing him with the familiar 'du' as they drove together from the station.

After its success in the two general elections, the People's Party received a severe shock from its defeat in the presidential election, all the more so because its candidate was a strong one. As a result, a thorough re-organization of the party was carried out. Changes were made in the main party officials and in the party's representatives in the Government.

More significant for Austria as a whole was the increase in the independent vote. Without doubt many of those who had voted for the Union of Independents in 1949 and Dr. Breitner in 1950 were disgruntled ex-Nazis, whose opposition was mainly negative. The attitude to the Nazi problem of the Austrian Government and people in general was sensible, broad-minded, and Christian. Except in the worst cases they wanted as soon as possible to let bygones be bygones. They were unwilling to drive into implacable discontent the disillusioned and repentant party members who were ready to be converted in 1945 and had only become Nazis originally through a mixture of fear and economic necessity. Dr. Koref, Burgomaster of Linz, spoke for the great majority of Austrians in July 1946 when he said: 'We are all agreed that we should not use Nazi methods to bring about the last liquidation of

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more moderate and positive elements in the Union of Independents, which led to the formation of a common Working Committee and the decision to fight the next election with a joint programme. 668

This new opposition was impatient of the leadership of the two main parties. It was determined to provide an alternative programme that would rival Communism in the effectiveness of its appeal and at the same time reflect the Austrian dislike of a totalitarian society. It accused the older parties of living in the past and failing completely to win the devotion of youth. It attacked corruption, bureaucracy, political indifference, and the place-seeking of the *Proporz* régime. It favoured free enterprise, a more personal system of political representation, and a dynamic society free from privilege of birth and property. Whether its claims to provide something better than existing creeds are justified, time and its own political record will show. It was, at any rate, a healthy sign that the different groups should come together in a common constructive effort and that the purely negative elements should lose weight.

In the autumn of 1952 a serious difference of opinion arose on economic policy between the People's Party and the Socialists, 665 and on the 23rd of October the Government resigned. At President Körner's request it consented to remain in office until the following February, when it was agreed elections should be held.

In these elections the Socialists gained 6 seats, 3 from the People's Party, 2 from the Right-Wing independents, and 1 from the Communists. Though they had 73 seats to the People's Party's 74, they actually obtained 36,842 more votes. 665
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The serious increase in unemployment during the winter contributed to this result, as one of the main points in the Socialist programme was the maintenance of employment. The elections were a setback for the opposition. The Union of Independents, who had fought the campaign with the Action for Political Renewal, polled some 16,000 less votes than in 1949. The Democratic Union lost its identity and many of its

665 more moderate adherents by merging with the Communists
666 to form the 'People's Opposition'.

It was rightly held in Austria and abroad that the elections were a triumph for the forces making for stability and moderation and that the Austrian people had again expressed their confidence in the Coalition. The Federal President called on the People's Party to nominate their candidate for the Chancellorship, and Dr. Figl was asked to form another coalition government.

665 So far from solving the crisis, however, the result at first intensified the deadlock. The Socialists claimed that the electorate had pronounced in favour of their policy and demanded increased representation in the Government. The People's Party maintained that it had yielded too much influence to the Socialists in the past and that, as the parties of the Right had obtained 200,000 more votes than those of the Left, the Socialist claim was unreasonable. The party declared itself in favour of a three-party coalition, including the Union of Independents. To emphasize the parliamentary strength of its position it published a working programme that it had agreed to jointly with the Union of Independents.

642 Following weeks of hard bargaining Dr. Figl gave up his attempt to form a government just one month after the elections. The People's Party Executive unanimously chose their chairman, Julius Raab, as his successor. On the 1st of April, Raab succeeded in forming a coalition government consisting of the Socialists and People's Party only. In it the Socialists obtained two junior Ministries in addition to their previous representation. The new Coalition was based on a two-party understanding less comprehensive than in the previous post-War Governments. For example, the party truce did not extend to the provinces and the municipalities. It was significant that a provisional compromise budget that had been agreed on in the autumn of 1952 was extended to the end of the year.

During the course of the negotiations President Körner in a public speech made a surprising statement in which he implied

those of Austria as of July 20, 1945. This was followed by the "Beamtenüberleitungs- und Staatsbürgerschaftsüberleitungsgesetz" (i.e., a law re-establishing the Austrian status of employees and citizens), the reorganization of municipal law as well as the "Nationalsozialistengesetz," known as NS, the law prohibiting national-socialism (Verbotsgesetz 1945 and the Wirtschaftssäuberungsgesetz).

Following the arrangement agreed upon by the powers, Austria was divided into four occupation zones and their divisioning settled during August, 1945. The supreme occupation and control authority is the Allied Commission for Austria in Vienna which retained a number of sovereign rights, but which little by little after 1946 transferred substantial shares of authority to the Austrian Federal Government.

At the Potsdam Conference (protocol of August 2, 1945) the powers, examining the question of extending the executive power of the provisional government (Dr. Renner) which up to then covered only the Russian occupation zone, recommended the extension of this power to cover all Austria.

In the federal provinces, meanwhile, provisional provincial governments were established and the federal provinces constituted, permitting the functioning of a provincial legislature within the jurisdiction of the constitution of 1929. At the same time the reestablishment of the Verfassungs- und Verwaltungsgerichtshof (i.e., a constitutional court) was prepared. On October 20, 1945, the Allied Commission for Austria finally authorized the provisional federal government, to enact laws for all of Austria (which, however, first had to be submitted to the Allied Commission for approval).

The elections of November 25, 1945, which had been arranged by the election proclamation of the provisional government, brought about the legalization of the endeavors of the provisional government, which resigned on November 28, 1945.

1945 Election: Tally of Votes and Seats

ÖVP (Austrian Peoples Party)	1,588,444 votes	85 seats
SFPÖ (Socialist Party)	1,428,441 votes	76 seats
KPO (Communist Party)	174,387 votes	4 seats
	<u>3,191,272 votes</u>	<u>165 seats</u>